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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,383	10/04/2001	Sanjay Kumar	020431.0779	7365

53184 7590 08/24/2005  
 i2 TECHNOLOGIES US, INC.  
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 DALLAS, TX 75234

EXAMINER
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JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/972,383	KUMAR ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lynda Jasmin	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 13, 2005 has been entered.
2. Response received June 13, 2005 has been acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-18, 21-40 are rejected under 35 U.S.C. 102(a) as being anticipated by Kennedy et al. (WO 11/17795).

Kennedy et al. discloses the fulfillment management system and method comprising: a local database (via local fulfillment manager 22) operable to store consolidated product availability information associated with at least one product, the consolidated product availability information consolidated from a plurality of available-to-promise server (14) (see page 3, lines 14-24), the local database (22) and one or more

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processors (via client 12, fulfillment server 16, LFMs 22 and ATP servers 14) collectively operable to: receive at least one component available-to-promise (ATP) request, each component ATP request corresponding to all ATP request line-item for a desired product, retrieve from the database at least a portion of the product availability information associated with the desired product for each component ATP request, determine an ATP response for each component ATP request using the retrieved product availability information, generate a component quotation for each component ATP request according to the corresponding ATP response, communicate the component quotation for consolidation with other component quotations (see page 7, lines 10-19; claim 1), and enabling the component quotation to be generated and communicated without retrieving product availability information from the plurality of ATP servers in response to retrieving one component ATP request (page 24, lines 5-11)

Further, the one or more processors collectively operable to: receive at least one component quotation confirmation, each component quotation confirmation corresponding to a particular quotation line-item accepted at a client, determine a promise response for each component quotation confirmation using at least a portion of the product availability information in the database, generate a component promise for each component quotation confirmation according to the corresponding promise response, the component promise representing a commitment of product availability for the corresponding accepted product, and communicate the component promise for consolidation with other component promises (see page 7, lines 20-32; claim 8).

Kennedy further discloses receiving a component request cancellation associated with a component ATP request or a component promise, date the product availability information associated with the desired product in the database, and generate a component cancellation confirmation for communication (see page 17 element 23), receiving a component acceptance corresponding to a particular promise line-item accepted at the client, record the component acceptance in the database, and generate a component acceptance confirmation for communication (see page 17 element 20).

Kennedy further discloses the steps of searching the retrieved consolidated product availability information, in reverse chronological order starting at a requested ship date, for a requested quantity of the desired product, determining whether the total requested quantity is available between the requested ship date and a lower bound of a date range, and searching the retrieved consolidated product availability information, in chronological order starting at the requested ship date, for the remaining requested quantity when the total requested quantity is not available between the requested ship date and the lower bound of the date range, and determining whether the total requested quantity is available between the lower bound and an upper bound of the date range (as disclosed in the request line-item attributes; pages 17-18 and page 30).

Kennedy further discloses that the one or more processors are collectively operable to generate component quotations that include information and rules regarding how the component quotations may be mutated, and the one or more processors are

collectively operable to generate component promises that include information and rules regarding how the component promises may be mutated (page 27, lines 3-15).

Kennedy further discloses receive a sequence of component ATP requests, one or more first component ATP requests in the sequence targeted to the fulfillment management system, process the first component ATP requests targeted for the fulfillment management system to generate one or more resulting component quotations, and communicate the resulting component quotations, along with remaining component ATP requests in the sequence, to a second fulfillment management system targeted by one or more second component ATP requests in the sequence (page 21, lines 23-32).

Kennedy further discloses support a seller hierarchy also supported by a fulfillment server, support a subset of products supported by the fulfillment server, and generate component quotations or component promises on a per product basis based upon allocations throughout the seller hierarchy for the subset of products, support a subset of products in a hierarchy of related products supported by a fulfillment server, and generate component quotations or component promises based upon allocations for the subset of products throughout the hierarchy (page 11, lines 10-14), and one or more processors are further collectively operable to generate an availability of generics of a product by communicating component ATP requests to a second fulfillment management system that corresponds to the generic products. (page 12).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 20 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (WO 11/17795).

Kennedy et al. discloses the structural elements of the claimed invention, but fails to explicitly disclose receiving at least one component available-to-promise (ATP) request using Hypertext Transfer Protocol (HTTP). It is the Examiner's position that Kennedy et al. discloses network 18 which may be a local area network (LAN), a wide area network (WAN), or a global network such as the Internet. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided Kennedy et al. with an HTTP to access information on the Internet since such protocol is standard in establishing connection each time a request is made for accessing resource on World Wide Web page, and the Examiner takes official notice as such.

***Response to Arguments***

7. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive. Applicants argue, "Kennedy does not disclose or suggest a local database for storing consolidated product availability information" and "enabling the

component quotation to be generated and communicated without retrieving product availability information from the plurality of ATP servers in response to retrieving one component ATP request.” The Examiner respectfully disagrees. Kennedy discloses local database (via local fulfillment manager 22) operable to store consolidated product availability information (page 10, lines 31-32). Kennedy further discloses enabling the component quotation to be generated and communicated without retrieving product availability information from the plurality of ATP servers in response to retrieving one component ATP request (see page 24, lines 5-11).

8. Since Applicant(s) did not seasonably traverse the well-known (Official Notice) statement(s) as stated in the previous Office Action (Mailed August 16, 2004 and March 15, 2005), therefore, the object of the well-known (Official Notice) statement(s) are taken to be admitted prior art. See MPEP §2144.03.

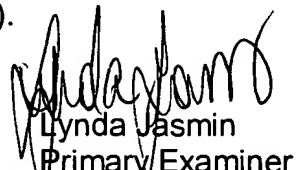
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lynda Jasmin  
Primary Examiner  
Art Unit 3627

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